



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
September 10, 2008

PRESENT: Mayor Reed and Council Members Chirco and Nguyen.

ABSENT: Vice Mayor Cortese, Council Member Constant. (Excused)

STAFF: City Attorney Richard Doyle, City Clerk Lee Price, Assistant City Manager Christine Shippey, Senior Deputy City Attorney Lisa Herrick, Director of Communications Tom Manheim, Redevelopment Agency Assistant Director Gary Miskimon, Council Agenda Manager Alicia Bosco and Legislative Secretary Susan Davis.

A. City Council

1. Review of September 16, 2008 Final Agenda.

Action: The Committee approved the September 16, 2008 City Council Draft Agenda with the following additions:

- Presentation of a proclamation declaring September 21, 2008 as the "International Day of Peace" in the City of San José. (Cortese)

2. Review of September 23, 2008 Draft Agenda.

Action: The Committee approved the September 23, 2008 City Council Draft Agenda with the following additions:

- Approval of travel by Redevelopment Agency Executive Director Harry Mavrogenes to Chicago, IL on October 1-3, 2008 to attend the San José Silicon Valley Chamber of Commerce "City-to-City" trip. Source of Funds: Redevelopment Agency.

B. Redevelopment Agency

1. Review of September 16, 2008 Final Agenda.

2. Review of September 23, 2008 Draft Agenda.

Action: The Committee approved the September 16, 2008 Redevelopment Agency Agenda and the September 23, 2008 Draft Redevelopment Agency Agenda.

C. Legislative Update

- 1. State**
 - (a) Sacramento Update**

Director of Intergovernmental Relations Betsy Shotwell provided a brief update.

- 2. Federal**

There were no updates.

D. Meeting Schedules

- 1. Approve time change for the Council Study Session on the Three-Year General Fund Structural Deficit Elimination Plan on November 17, 2008 from 9:00 a.m. to 4:00 p.m. in Council Chambers. (City Manager)**
- 2. Approval to set a study session on Historic Preservation on Tuesday, October 23, 2008 from 9:00 a.m. to 12:00 p.m. in Council Chambers. (Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from Deputy City Manager Deanna J. Santana, dated August 25, 2008, requesting approval for the study session on November 17, 2008. (2) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated September 4, 2008, requesting approval for the study session on October 23, 2008.

Action: The Committee accepted the request to pull the two items off the agenda and to defer these items.

E. The Public Record

Documents Filed: Memorandum from City Clerk Lee Price, dated September 5, 2008, transmitting items for the Public Record for the period of August 29 through September 5, 2008.

Action: The Committee noted and filed the Public Record, with the exception of Item (h) regarding the 2006 Election Cycle Analysis, which was referred to the Committee on September 17, 2008 for discussion.

F. Appointments to Board, Commissions and Committee

1. Approve appointments to Work2future Board of Directors. (Mayor)

Documents Filed: Memorandum from Mayor Reed, dated September 4, 2008, recommending approval of the appointment of Janeen Dittrick as a public sector representative and Philip George as a non-profit sector representative in the Work2future Board of Directors.

Action: The Committee approved the appointments.

G. Rules Committee Reviews, Recommendations and Approvals

1. Traffic Signal Modification at Winchester Boulevard and Forest Avenue. (Public Works)

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen, dated September 3, 2008, recommending that the traffic signal modification at Winchester Boulevard and Forest Avenue not be agendized for Council action. (2) Memorandum from City Clerk Lee Price, dated September 10, 2008, transmitting the correspondence relating to item (G)(1) traffic modification at Winchester Boulevard and Forest Avenue to the Rules and Open Government Committee.

Director of Public Works Katy Allen provided brief background and responded to questions from the Committee.

Public Comments: Speaking in opposition to the removal of the signal: Kirk Vartan pointed out that the residents who attended the Valley Fair meetings were not in support of the removal of the signal and complained that the EIR Report was not available in today's packet. John Hansen argued that removing the signal would cause a safety risk for children and increase the westbound traffic. Kathleen Yatsko added that there was not a definitive plan for public comments. Robert Soathard expressed concern about the extra traffic which is a safety concern for children. David Stealey and Robert Oberti requested that the signal remain as it is.

Discussion followed.

Action: The Committee approved the Staff recommendation that the traffic signal modification at Winchester Boulevard and Forest Avenue not be agendized for Council action. Staff was directed to work with the Attorney's office to include funding for traffic calming under the encroachment permit a condition of approval.

- G. 2. Approve the Auditor's Office Monthly Report of Activities for July and August 2008. (City Auditor)**

Documents Filed: Memorandum from City Auditor Sharon Erickson, dated September 4, 2008, recommending approval of the report.

Action: The Committee approved the Monthly Report of Activities for July and August 2008 from the Office of the City Auditor.

- H. Review of additions to Council Committee Agenda**
- 1. Community and Economic Development Committee**
 - 2. Neighborhood Services and Education Committee**
 - 3. Transportation and Environment Committee**
 - 4. Public Safety, Finance and Strategic Support Committee**

There were none.

- I. Open Government Initiatives**
- 2. Sunshine Reform Task Force (SRTF)**
Review of SRTF Phase II Report and Recommendations
 - a. SRTF Phase II Report and Recommendations.**
 - b. Staff's Response to Phase II Report and Recommendations of the SRTF.**
 - c. SRTF Chair's Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF.**

Documents Filed: 91) Memorandum from City Clerk Lee Price, dated September 4, 2008, referring to the Sunshine Reform Task Force recommendations from the August 13, 2008 Rules and Open Government Committee. (2) Staff presentation dated September 10, 2008, SRTF Phase II Recommendations in Brief.

Senior Deputy City Attorney Lisa Herrick summarized changes to language relating to the Task Force's recommendations outlined in the Ethics and Conduct section of the Phase II Report regarding registered lobbyists, as a follow-up to the Committee's discussion on August 27, 2008. Discussion followed. Input was provided and direction given to modify the language to include a number of hours worked on a campaign as a threshold.

I. (Cont'd.)

Committee discussion followed regarding Task Force recommendations about Technology.

Dan Pulcrano, Vice Chair of the Sunshine Reform Task Force, spoke in favor of the use of a software system similar to the one in Los Angeles that tracks the voting records of elected officials.

Mayor Reed requested information about the cost and what other cities, such as Los Angeles, are using this type of search engine.

Director of Communications Tom Manheim briefly introduced Public Safety and Law Enforcement.

J. Open Forum

None were presented.

K. Adjournment

The meeting was adjourned at 4:00 p.m.



Mayor Chuck Reed
Rules and Open Government Committee